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HONOLULU HI 96813

<i>In re</i> Application of:	:	
Kuzuu, Masayuki	:	
Serial No.: 10/733,475	:	DECISION ON REQUEST FOR
Filed: December 10, 2001	:	RECONSIDERATION OF
Docket: MA-KUZ-P4	:	DECISION VACATING
Title: NAIL CLIPPER FOR PETS WITH	:	OFFICE ACTION
CURVED CUTTING EDGES	:	

This is a decision on the petition filed February 9, 2006 to request reconsideration of the January 30, 2006 decision vacating a corrected Notice of Allowance.

The petition is **dismissed**.

In his February 9, 2006 the applicant requested the reconsideration the January 30, 2006 decision vacating the corrected Notice of Allowance generated on December 8, 2005. In support of his petition, the applicant argues that the USPTO PAIR system malfunctioned which created an incorrect correspondence address that caused the May 3, 2005 Notice of Allowance to be mailed to the incorrect address.

The record shows that:

- 1) Around April 1, 2005 the applicant changed his address in the USPTO Private PAIR system. Petitioner alleges he changed from his old address at his former firm to a new address at his new firm. The old address was: Ostrager Chong Flaherty & Broitman, 841 Bishop Street, Suite 1200, Honolulu, HI 96813. The new address is: GODBEY GRIFFITHS REISS & CHONG, 1001 Bishop St., Pauahi Tower Suite 2300, Honolulu, HI 96813.
- 2) On May 3, 2005 the examiner issued a notice of allowance, which was addressed to: GODBEY GRIFFITHS REISS & CHONG, 841 Bishop Street, Suite 1200, Honolulu, HI 96813.
- 3) Around April 2005 to early May 2005, the applicant learned of the incorrect address and changed the address in the PAIR system to the new address as above.

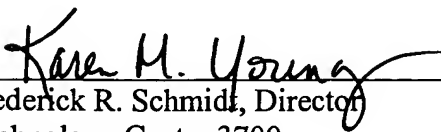
- 4) On August 2, 2005 the applicant allegedly spoke to a member of the USPTO who stated a corrected notice of allowance would be issued. It should be noted there is no record of a telephone interview within the USPTO database.
- 5) On December 8, 2005 PALM records indicated that a "corrected notice of allowance" was generated.
- 6) On January 30, 2006 the Office issued a decision vacating the December 8, 2005 "corrected notice of allowance."
- 7) On February 9, 2006 the applicant filed the present petition. The applicant alleges that the USPTO PAIR system malfunctioned and created an incorrect correspondence address. This incorrect address resulted in the applicant never receiving the May 3, 2005 Notice of Allowance. Consequently, the applicant should receive a corrected Notice of Allowance due to the USPTO error with a reset period for response.

Analysis

The petitioner's argument is not persuasive. The petitioner has not provided corroborating evidence showing that the changes made within the PAIR system were correct. Moreover, the petitioner did not make any attempt to verify the correct address within the PAIR system. Finally, when petitioner learned in mid-May 2005 of misdirected mail in the attorney's cases, the petitioner had approximately two and half months to seek and review missed correspondence within the PAIR system, request an additional copy of the Notice of Allowance and pay the Notice of Allowance fee before the issue fee date August 3, 2005.

Accordingly, the petition is dismissed. The application remains abandoned.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." Alternatively, petitioners may wish to consider filing a petition to revive under 37 CFR 1.137. The rules and MPEP sections cited may be found on the USPTO website at: www.uspto.gov. Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.


for Frederick R. Schmidt, Director
Technology Center 3700